

## **MINUTES**

**REGULAR MONTHLY MEETING  
BOARD OF COSMETOLOGY AND HAIRSTYLING  
124 HALSEY STREET - 6TH FLOOR  
NEWARK, NEW JERSEY 07102  
DECEMBER 8, 2015**

### **PUBLIC SESSION**

#### **I CALL TO ORDER**

The regular monthly meeting of the Board of Cosmetology and Hairstyling was called to order at 9:30 a.m. .

##### **Roll Call:**

Ms. Janice Alvarez, Mr. John Ford, Mr. Peter Macri, Angela Pantaleone, Ms. Corby Marie Pascucci, Mr. Joseph Santagata, Mr. Jerry Speziale, Ms. Frances Tomeo, Mr. Jay A. Malanga, Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present.

##### ***Also in Attendance:***

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle Transcriber, Ms. Carol Ann Rotondo, Paralegal, Ms. Susan Rischawy, Government Representative and the Board's counsel.

#### **II OPEN PUBLIC MEETINGS ACT**

The Chair announced that the time, date and location of the meeting was listed in the Annual Notice Schedule. The Annual Notice Schedule was mailed to Ms. Kim Guadagno, Secretary of State, and the Asbury Park Press, Bergen Record, Newark Star-Ledger and Trentonian Newspapers on December 17, 2015, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 17, 2015 was posted in the Office of the Board of Cosmetology and Hairstyling on December 17, 2015.

#### **III APPROVAL OF MINUTES (OPEN & CLOSED)**

The minutes was corrected to reflect that Ms. Frances Tomeo was absent and only Jerry Speziale was on conference call and therefore, the minutes was amended accordingly.

Upon motion made by Mr. Peter Macri and seconded by Ms. Angela Pantaleone, the

Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held November 10, 2015 are accepted as amended. The motion passed unanimously.

#### **IV PUBLIC PARTICIPATION SESSION**

Ms. Darlene Fox and Paula Brown greeted and wished the Board happy holidays and thanked them for all their hard work.

#### **V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS**

Mr. Malanga stated that he had one (1) item to add to the agenda and asked that the Board approve same.

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, the Board added the additional matter to the Agenda. The motion passed unanimously.

#### **VI FOR BOARD CONSIDERATION**

1. Pursuant to N.J.S.A. 45:5B-5, the Board is asked to elect from its membership a chairperson and a vice chairperson to serve for the period of January 1, 2016 to December 31, 2016.

Executive Director, Jay A. Malanga asked for the nominations to elect a Chairperson.

Mr. Peter Macri nominated Janice Alvarez as Chairperson, and seconded by Frances Tomeo.

There being no further nomination for Chairperson, upon motion made by Mr. Peter Macri and seconded by Ms. Frances Tomeo, the Board elected Ms. Janice Alvarez as Chairperson. The motion passed unanimously.

Executive Director, Jay A. Malanga asked for the nominations to elect a Vice Chairperson.

Mr. Joseph Santagata nomination Frances Tomeo as Vice Chairperson, and Jerry Speziale.

There being no further nomination for Vice Chairperson, upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board elected Ms. Frances Tomeo as Vice Chairperson. The motion passed unanimously.

2. Pursuant to N.J.S.A. 10:4-6, the Board is asked to establish dates of meeting and to file with the Secretary of State an Annual Notice Schedule for the period of January 1, 2016 through December 31, 2016.

Mr. Jay Malanga asked whether the Board wanted to continue meeting on the second Tuesday of each month except on November 8, 2016.

The Board agreed to meet on the second Tuesday of each month except for November 2015. Due to the holiday in November, the Board agreed to meet on the third Tuesday, November 15<sup>th</sup>.

3. A request received from Mr. Tyrone Hinton in connection with his shop application for initial licensure of His & Her's Hair Entertainment, 614 B St. George Avenue, Roselle, New Jersey. He has asked that the Board waive it's minimum square footage requirement in as much as the shop only contains 238 square feet of floor space, 112 square feet short of the minimum required by N.J.A.C. 13:28-2.5 was presented to the Board for consideration. He has indicated that he is stuck with a five (5) year lease, forced to pay a monthly rent for an investment he will get no return from and has to support a big family.

Mr. Hinton submitted a floor plan of 13' by 18' but on his shop application he represented to the Board that he had 350 square feet.

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Board is unable to approve Mr. Hinton's shop application for licensure of His & Her's Hair Entertainment at this time and recommends that he have a discussion with the landlord for some kind of remedy to his situation and to explain to his misrepresentation to the Board. The motion passed unanimously.

4. Correspondence received from Mr. Phillip Thompson, t/a The Hair Studio, 309 North White Horse Pike, Laurel Springs, New Jersey in connection with the penalty assessed against him in the amount of \$850.00 for the alleged violation resulting out of an inspection of his shop on February 6, 2015 was presented to the Board for consideration. He has indicated that he would like to waive his right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Peter Macri and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$850.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

5. Correspondence received from Ms. Nayna Patel, t/a Magical Touch Beauty Salon, 7101 Bergenline Avenue, North Bergen, New Jersey in connection with the penalty assessed against her in the amount of \$250.00 for the alleged violation resulting out of an inspection of her shop on December 18, 2014 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but has furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Peter Macri and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$250.00 shall be made within thirty (30) days from the date of the Final Order and in the

event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

6. Correspondence received from Ms. Hilda Orozco, t/a Chispa Salon Spa, 697 Mount Prospect Avenue, Newark, New Jersey in connection with the penalty assessed against her in the amount of \$850.00 for the alleged violation resulting out of an inspection of her shop on December 18, 2014 was presented to the Board for consideration. She has indicated that she would like to waive her right to a hearing but have furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. Jerry Speziale, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$850.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

7. Correspondence received from Ms. Joyce Lapufsky, 12 Delmore Drive, Kendall Park, New Jersey in connection with the penalty assessed her in the amount of \$100.00 for the alleged violation of N.J.A.C. 13:28-2.12(a)2 at Legends Salon of Hillsborough, 649 Route 206 North, Unit #7, Hillsborough, New Jersey on October 8, 2014 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$100.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

8. IMO Victoria Landolfi, t/a Hair It Is (Angela Panteleone recused)

A request from Ms. Victoria Landolfi, t/a Hair It Is, 1053 Washington Boulevard, Robbinsville, New Jersey for the Board to reconsider the decision for the violations resulting out of an inspection of her shop on October 7, 2014 was presented to the Board for consideration. She has indicated that the Board rescinded the penalties assessed against the two individuals practicing without their current licenses on display and asked that the Board reconsider their decision to have the penalty assessed against her shop for the same violations stand.

After careful consideration, upon motion made by Ms. Frances Tomeo and seconded by Mr. John Ford, the board rescinds the fine. Ms. Angela Panteleone recused herself from this matter. The motion passed with the remaining board members.

9. A request for abatement from Ms. Wendy De Leon, t/a La Nueva Mega, 225-B Smith Street, Perth Amboy, New Jersey 08861 in connection with the penalties assessed against her in the

amount of \$6, 100.00 was presented to the Board for consideration. She has indicated that she does not wish to have the balance due but cannot afford to pay the entire balance.

After careful consideration, upon motion made by Mr. John Ford and seconded by Ms. Frances Tomeo, the Board offers an opportunity to Ms. De Leon to settle the matter for \$5000.00 to be paid within thirty (30) days of notice or offers a payment plan for the full amount. The payment plan would be for Ms. De Leon to pay \$3000.00 up front and the rest of the balance to be paid within the next 5 months. The motion passed unanimously.

**10. REINSTATEMENT OF LICENSES IMO:**

- Dawn (Ercolino) Kolesar

Upon motion made by Mr. John Ford and seconded by Mr. Jerry Speziale, Ms. Kolesar is required to prove competency by taking and passing the written examination and pay the licensing fees pursuant to N.J.S.A. 45:1-7.4(e). Further, the Board reserves the right to take disciplinary action on any individual working without a valid license. The motion passed unanimously.

- Kimmeth Clark

Upon motion made by Ms. Frances Tomeo and seconded by Ms. Angela Pantaleone, Mr. Clark is required to prove competency by taking and passing the written examination and pay the licensing fees pursuant to N.J.S.A. 45:1-7.4(e). Further, the Board reserves the right to take disciplinary action on any individual working without a valid license. The motion passed unanimously.

- Rahila (Azizi) Khan

Upon motion made by Ms. Corby M. Pascucci and seconded by Mr. Peter Macri, Ms. Khan is required to prove competency by taking and passing the written examination and pay the licensing fees pursuant to N.J.S.A. 45:1-7.4(e). Further, the Board reserves the right to take disciplinary action on any individual working without a valid license. The motion passed unanimously.

- Richard Corio

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, the Board will allow Ms. Corio to reinstate her license. Ms. Angela Pantaleone excused herself from this matter. The motion passed unanimously.

- Nancy Molinari

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Peter Macri, the Board will allow Ms. Molinari to reinstate her license. The motion passed unanimously.

- Olga Galvez

Upon motion made by Mr. Jerry Speziale and seconded by Mr. John Ford, Ms. Galvez is required to prove competency by taking and passing the written examination and pay the licensing fees pursuant to N.J.S.A. 45:1-7.4(e). Further, the Board reserves the right to take disciplinary action on any individual working without a valid license. The motion passed unanimously.

- Camille Cichino

Upon motion made by Ms. Frances Tomeo and seconded by Mr. John Ford, Ms. Cichino is required to prove competency by taking and passing the written examination and pay the licensing fees pursuant to N.J.S.A. 45:1-7.4(e). Further, the Board reserves the right to take disciplinary action on any individual working without a valid license. The motion passed unanimously.

- Christine Fredericks

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, Ms. Fredericks is to be asked to submit proof she is licensed in New York by way of Certification of Licensure from New York, the Board will then reconsider reinstatement of her license. The motion passed unanimously.

- Janice Zanolowicz

Upon motion made by Ms. Frances Tomeo and seconded by Mr. Jerry Speziale, Ms. Zanolowicz is allowed to reinstate her license. The motion passed unanimously.

- Melanie (Van Pelt) Dare

Upon motion made by Ms. Corby Pascucci and seconded by Mr. John Ford, Ms. Dare is required to prove competency by taking and passing the written examination and pay the licensing fees pursuant to N.J.S.A. 45:1-7.4(e). Further, the Board reserves the right to take disciplinary action on any individual working without a valid license. The motion passed unanimously.

- Kaya McIntosh

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Joseph Santagata, Ms. McIntosh is required to prove competency by taking and passing the written examination and pay the licensing fees pursuant to N.J.S.A. 45:1-7.4(e). Further, the Board reserves the right to take disciplinary action on any individual working without a valid license. The motion passed unanimously.

# 11. **Disciplinary Matters Pending Conclusion by Default Orders:**

The UPLs were issued and no written responses from Respondents have been received by the Board to date. These matters were subject to finalization fifteen (15) business days after issuance of Notice of Intent to File Default Order. The Certificate of Service is attached for Board review.

The Attorney General seeks to issue Final Decision and Default Order on UPL for each of the following IMO:

1. Jin Sun Choi – t/a Jins Studio 35 Hair & Nail Salon – License No.: 32WD02958300
2. Taieyo Kang - Individual – License No.: NONE
3. Sergio Avila, Sr. , Sergio Avila, Jr., Jose Avila, David Avila  
t/a Sergio's Barber Shop – License No.: 32WD02447800  
(On three (3) separate UPLs)

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board directed that a Final Decision and Default Order on UPL be issued on these matters. The motion passed unanimously.

# 12. **Administrative Closure**

The following Uniform Penalty Letters (UPLs) and Notice of Intent to File Default Orders (Notices) are recommended for administrative closure due to being returned to the Board for the following reasons: unclaimed, incorrect address, no forwarding address for the business or licensee, no information, or shop closure, were presented to the Board for consideration.

License Name	License #	UPL Issued	Date of Inspection	Total Penalty Amount
Tam Thi Bui	NONE	December 3, 2014	April 21, 2014	\$ 1,200.00
Maria Simbaena	NONE	January 14, 2015	January 24, 2014	\$ 300.00
Sophia M. Park	NONE	March 3, 2015	January 27, 2014	\$ 300.00
Piyatia Saramanod	NONE	April 27, 2015	August 19, 2014	\$ 300.00
Jose Jimenez	NONE	May 1, 2015	June 11, 2014	\$ 300.00
John Ramos	NONE	July 29, 2011	July 12, 2011	\$ 300.00
Melina Guterrez	NONE	January 20, 2015	July 23, 2014	\$ 300.00
Erika Claros	NONE	January 20, 2015	July 23, 2014	\$ 300.00
Byung Soon Kim	NONE	December 12, 2011	October 30, 2009	\$ 300.00
Lan Thi Le Tran	NONE	February 13, 2015	August 18, 2014	\$ 300.00
Hayley Nguyen	NONE	February 13, 2015	August 1, 2014	\$ 300.00
Dexter Glasgow	NONE	February 2, 2015	November 14, 2014	\$ 300.00
Ana V. Cuevas Rodriguez	NONE	March 11, 2015	August 15, 2014	\$ 300.00

Jeimy Francisca Rodriguez	NONE	December 19, 2013	August 15, 2013	\$ 100.00
Maria Gonzalez	NONE	April 7, 2015	July 1, 2014	\$ 300.00
Christian D. Sosa	NONE	January 7, 2015	September 11, 2015	\$ 2,500.00
Lemy Nguyen	NONE	July 2, 2015	December 5, 2014	\$ 100.00
Maria Luisa Ramirez-Medrano	NONE	January 14, 2015	March 10, 2014	\$ 300.00
Diem T. Nguyen	NONE	March 11, 2015	February 4, 2015	\$ 600.00
Lucy Pena	NONE	April 7, 2015	July 1, 2014	\$ 300.00
Lucy Almonte	NONE	January 14, 2015	January 24, 2014	\$ 300.00

Upon motion made by Mr. Joseph Santagata and seconded by Mr. Jerry Speziale, the Board recommends all the above listed matter for administrative closure. The motion passed unanimously.

### **AGENDA SUPPLEMENT**

#### **1. IMO Loan Do, t/a Royal Nails, West Orange, New Jersey**

According to the UPL, on February 6, 2013, the Enforcement Bureau of the State Division of Consumer Affairs conducted an inspection of Royal Nails, 402B Prospect Avenue, West Orange, New Jersey. The inspection revealed that Royal Nails was found in operation with Lisa Tran practicing without a valid license. The UPL assessed civil penalty against Royal Nails in the amount of \$19,200.00 for the violation of N.J.S.A. 45:5B-13(d). To date there is an outstanding penalty assessed against Royal Nails in the amount of \$19,200.00 for the alleged violations.

Loan Do (owner of Royal Nails) submitted explanation letters dated August 31, 2013, August 18, 2014 and June 10, 2015, in connection with the UPL. The submissions were presented to the Board for consideration on February 11, 2014 and December 10, 2015. In her submission, she admitted to the charge for allowing Lisa Tran to practice at Royal Nails, but requested that the Board reduce the penalty. Additionally, by her letter dated June 2015 letter, she informed the Board that she had sold Royal Nails and provided the bill of sale and returned to the Board her shop license.

On February 11, 2014 the Board affirmed its original decision as set forth in the Uniform Penalty Letter and indicated that she must pay \$10,000 upfront and \$1,000.00 per month thereafter with the last payment being \$1,200.00.

On December 10, 2015, the Board reviewed her June 10, 2015 letter and determined to affirm its original decision as set forth in the UPL, which requires her to pay a civil penalty of \$19,200.00 for allowing Royal Nails to be operated by an unlicensed person in violation of N.J.S.A. 45:5B-13(d), however the penalty will be stayed and held in abeyance to ensure that she will not own, operate or control any business for which a Board license is required, nor will she be employed or otherwise



work at any establishment that is licensed by the Board. If she failed to adhere to the Stipulations, the full civil penalty of \$19,200.00 will become due immediately and costs for investigation and prosecution will be added. Failure to remit any payment as required by the settlement letter will result in the filing of a certificate of debt and shall constitute a violation of this agreement.

Upon motion made by Mr. Jerry Speziale and seconded by Mr. Peter Macri, the Board directed that Royal Nails be offered a settlement letter. The motion passed unanimously.

## **VII OLD BUSINESS**

## **VIII NEW BUSINESS**

### **Committee Reports**

Ms. Janice Alvarez reported that all committee reports were up to date.

## **IX EXECUTIVE SESSION**

The Board adjourned the Public Session and moved to the Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.

### **IMO Mr. Leroy Reaves**

Upon motion made by Mr. Jerry Speziale and seconded by Mr. John Ford, the Board allows Mr. Reaves to sit for examination upon successful completion of training provided he have no further contact with the criminal justice system. The motion passed unanimously.

## **X ADJOURNMENT**

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the meeting was adjourned at 3:00 P.M.. The motion passed unanimously.

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JANICE ALVAREZ, Board Chairperson

Countersigned:

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JAY A. MALANGA, Executive Director